

committee to provide advice to the Secretary with respect to implementation of this chapter consistent with the declarations of policy in section 74 of this title. The advisory committee shall consist of fifteen members, appointed by the Secretary, who represent the interests of all segments of the grain producing, processing, storing, merchandising, consuming, and exporting industries, including grain inspection and weighing agencies and scientists with expertise in research related to the policies established in section 74 of this title. Members of the advisory committee shall be appointed to three-year terms, except that of the initial fifteen members of the advisory committee first appointed following the enactment of this section, five shall be appointed for terms of one year and five shall be appointed for terms of two years. No member of the advisory committee may serve successive terms.

**(b) Federal Advisory Committee Act as governing**

The advisory committee shall be governed by the provisions of the Federal Advisory Committee Act [5 U.S.C. App.].

**(c) Clerical assistance and staff personnel**

The Secretary shall provide the advisory committee with necessary clerical assistance and staff personnel.

**(d) Compensation and travel expenses**

Members of the advisory committee shall serve without compensation, if not otherwise officers or employees of the United States, except that members shall, while away from their homes or regular places of business in the performance of services under this chapter, be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of title 5.

**(e) Expiration of Secretary's authority**

The authority provided to the Secretary for the establishment and maintenance of an advisory committee under this section shall expire on September 30, 2005.

(Aug. 11, 1916, ch. 313, pt. B, §21, as added Pub. L. 100-518, §2(5), Oct. 24, 1988, 102 Stat. 2586; amended Pub. L. 103-156, §§13(b)(1), 14(c), Nov. 24, 1993, 107 Stat. 1529, 1530; Pub. L. 103-354, title II, §293(a)(7), Oct. 13, 1994, 108 Stat. 3237; Pub. L. 106-472, title I, §109, Nov. 9, 2000, 114 Stat. 2060.)

REFERENCES IN TEXT

The enactment of this section, referred to in subsec. (a), means Oct. 24, 1988, the date of enactment of Pub. L. 100-518.

The Federal Advisory Committee Act, referred to in subsec. (b), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2000—Subsec. (e). Pub. L. 106-472 substituted “2005” for “2000”.

1994—Subsecs. (a), (c). Pub. L. 103-354 substituted “Secretary” for “Administrator”.

1993—Subsec. (a). Pub. L. 103-156, §13(b)(1), struck out “(1)” before “Not later than” and struck out par. (2) which read as follows: “To ensure a smooth transition, the advisory committee established under section 87i of this title (as in effect prior to October 1, 1988) shall con-

tinue in existence until all members of the advisory committee established under this section are appointed; and the Secretary may appoint members of the advisory committee established under section 87i of this title to serve on the advisory committee established under this section, without regard to the time of service of such members on the advisory committee established under section 87i of this title.”

Subsec. (e). Pub. L. 103-156, §14(c), added subsec. (e).

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-472 effective as if enacted Sept. 30, 2000, see section 111 of Pub. L. 106-472, set out as a note under section 79 of this title.

EFFECTIVE AND TERMINATION DATES

That part of section 2 of Pub. L. 100-518 which provided that section was effective for period Oct. 1, 1988, through Sept. 30, 1993, inclusive, was repealed, effective Sept. 30, 1993, by Pub. L. 103-156, §§13(a), 16(b), Nov. 24, 1993, 107 Stat. 1529, 1530.

**§ 87k. Standardizing commercial inspections**

**(a) Testing equipment**

To promote greater uniformity in commercial grain inspection results, the Secretary may work in conjunction with the National Institute for Standards and Technology, the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations to—

(1) identify inspection instruments requiring standardization under subsection (b) of this section;

(2) establish performance criteria for commercial grain inspection instruments;

(3) develop a national program to approve grain inspection instruments for commercial inspection; and

(4) develop standard reference materials or other means necessary for calibration or testing of approved instruments.

**(b) General inspection procedures**

To ensure that producers are treated uniformly in delivering grain, the Secretary shall develop practical and cost-effective procedures for conducting commercial inspections of grain with respect to the application of quality factors, that result in premiums and discounts. The procedures shall be made available to country elevators and others making first-point-of-delivery inspections.

**(c) Inspection services and information**

To encourage the use of equipment and procedures developed in accordance with subsections (a) and (b) of this section, the Secretary shall provide for official inspection services by the Secretary, States, and official inspection agencies and provide information on the proper use of sampling and inspection equipment, application of the grain standards, and availability of official inspection services, including appeals under this chapter.

**(d) Standardized aflatoxin equipment and procedures**

The Secretary shall—

(1) establish uniform standards for testing equipment; and

(2) establish uniform testing procedures and sampling techniques;

that may be used by processors, refiners, operators of grain elevators and terminals, and others to accurately detect the level of aflatoxin contamination of corn in the United States.

(Aug. 11, 1916, ch. 313, pt. B, § 22, as added Pub. L. 101-624, title XX, § 2009, Nov. 28, 1990, 104 Stat. 3931; amended Pub. L. 103-156, §§ 11, 13(b)(2), Nov. 24, 1993, 107 Stat. 1528, 1529; Pub. L. 103-354, title II, § 293(a)(7), (8), Oct. 13, 1994, 108 Stat. 3237.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (c), was in the original “this Act” and was translated as reading “this part”, meaning part B of act Aug. 11, 1916, known as the United States Grain Standards Act, to reflect the probable intent of Congress.

#### AMENDMENTS

1994—Pub. L. 103-354 substituted “Secretary” for “Administrator” wherever appearing and “Secretary” for “Service” in subsec. (c).

1993—Subsec. (a). Pub. L. 103-156, § 11, substituted “, the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations” for “and the National Conference on Weights and Measures” in introductory provisions.

Subsec. (c). Pub. L. 103-156, § 13(b)(2), substituted “subsections (a) and (b)” for “subsection (a) and (b)”.

### CHAPTER 4—NAVAL STORES

Sec.	
91.	Short title.
92.	Definitions.
93.	Establishment of official naval stores standards.
94.	Supplying duplicates of standards; examination, etc., of naval stores and certification thereof.
95.	Prohibition of acts deemed injurious to commerce in naval stores.
96.	Punishment for violation of prohibition.
97.	Purchase and analysis by Secretary of samples of spirits of turpentine to detect violations; reports to Department of Justice; publication of results of analysis, etc.
98.	Fees and charges for naval stores inspection and related services; establishment; collection, etc.; authorization of appropriations; administrative expenses.
99.	Separability.

#### TRANSFER OF FUNCTIONS

All functions of the Federal Security Administrator were transferred to the Secretary of Health, Education, and Welfare and all agencies of the Federal Security Agency were transferred to the Department of Health, Education, and Welfare by section 5 of 1953 Reorg. Plan No. 1, eff. Mar. 12, 1953, 18 F.R. 2053, 67 Stat. 631, set out in the Appendix to Title 5, Government Organization and Employees. The Federal Security Agency and the office of Administrator were abolished by section 8 of 1953 Reorg. Plan No. 1.

The Secretary and Department of Health, Education, and Welfare was redesignated the Secretary and Department of Health and Human Services by section 3508 of Title 20, Education.

The Food and Drug Administration in the Department of Agriculture and its functions, except those functions relating to the administration of the Naval Stores Act, this chapter, were transferred to the Federal Security Agency by 1940 Reorg. Plan No. IV, § 12, set out in the Appendix to Title 5, Government Organization and Employees.

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 608c of this title.

### § 91. Short title

For convenience of reference, this chapter may be designated and cited as “The Naval Stores Act.”

(Mar. 3, 1923, ch. 217, § 1, 42 Stat. 1435.)

#### EFFECTIVE DATE

Section 10 of act Mar. 3, 1923, provided: “That this Act [enacting this chapter] shall become effective at the expiration of ninety days next after the date of its approval [Mar. 23, 1923].”

### § 92. Definitions

When used in this chapter—

(a) “Naval stores” means spirits of turpentine and rosin.

(b) “Spirits of turpentine” includes gum spirits of turpentine and wood turpentine.

(c) “Gum spirits of turpentine” means spirits of turpentine made from gum (oleoresin) from a living tree.

(d) “Wood turpentine” includes steam distilled wood turpentine and destructively distilled wood turpentine.

(e) “Steam distilled wood turpentine” means wood turpentine distilled with steam from the oleoresin within or extracted from the wood.

(f) “Destructively distilled wood turpentine” means wood turpentine obtained in the destructive distillation of the wood.

(g) “Rosin” includes gum rosin and wood rosin.

(h) “Gum rosin” means rosin remaining after the distillation of gum spirits of turpentine.

(i) “Wood rosin” means rosin remaining after the distillation of steam distilled wood turpentine.

(j) “Package” means any container of naval stores, and includes barrel, tank, tank car, or other receptacle.

(k) “Person” includes partnerships, associations, and corporations, as well as individuals.

(l) The term “commerce” means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia.

(Mar. 3, 1923, ch. 217, § 2, 42 Stat. 1435.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 93 of this title; title 12 section 1141j.

### § 93. Establishment of official naval stores standards

For the purposes of this chapter the kinds of spirits of turpentine defined in subdivisions (c), (e), and (f) of section 92 of this title and the rosin types heretofore prepared and recommended under existing laws, by or under authority of the Secretary of Agriculture, are made the standards for naval stores until otherwise prescribed as hereinafter provided. The Secretary of Agriculture is authorized to establish and promulgate standards for naval stores for which no standards are herein provided, after at least three months’ notice of the proposed